

BILL NO. 88-8
AS AMENDED

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 88-8 (AS AMENDED)

Introduced by Council Members Hatem and Hooper

Legislative Day No. 88-6 Date February 16, 1988

AN ACT to add new Article II, heading, Smoking and Sale of Tobacco Products In County Buildings, to Chapter 149, heading, Health, of the Harford County Code, as amended; to prohibit the sale of tobacco products in county buildings; to prohibit smoking in county buildings; to establish exceptions to this prohibition; to require the Director of Administration to adopt procedures for establishing smoking areas in county buildings; to require the Director to post certain signs concerning smoking in county buildings; to establish civil penalties for violation of this Act; to provide an enforcement procedure for the provisions of this Act; to allow a county agency to adopt a more stringent smoking policy, with the approval of the Director; and generally relating to smoking in county buildings.

By the Council, February 16, 1988

Introduced, read first time, ordered posted and public hearing scheduled

on: March 15, 1988

at: 6:00 P.M.

By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held

on March 15, 1988

and concluded on April 12, 1988

Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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1 WHEREAS, Numerous medical studies indicate that smoking is a
2 significant risk to the health of smokers; and

3 WHEREAS, The Surgeon General of the United States has linked
4 high levels of involuntary smoke exposure to reduced breathing
5 ability in non-smokers; and

6 WHEREAS, The County Council finds that smoke can be possibly
7 harmful to otherwise healthful non-smokers in the workplace; and

8 WHEREAS, The County has a duty to protect the health,
9 safety, and welfare of its employees and citizens;

10 NOW, THEREFORE,

11 Section 1. Be It Enacted By The County Council of Harford
12 County, Maryland, that new Article II, heading, Smoking and Sale
13 of Tobacco Products In County Buildings, be, and it is hereby
14 added to Chapter 149, heading, Health, of the Harford County
15 Code, as amended, all to read as follows:

16 Chapter 149. Health.

17 ARTICLE II. SMOKING AND SALE OF TOBACCO PRODUCTS IN COUNTY
18 BUILDINGS

19 SECTION 149-8. DEFINITIONS.

20 A. IN THIS ARTICLE THE FOLLOWING TERMS HAVE THE MEANINGS
21 INDICATED.

22 B. "COUNTY BUILDING" MEANS A BUILDING, OR ANY PART OF A
23 BUILDING, OWNED OR LEASED BY THE COUNTY.

24 C. "DESIGNATED SMOKING AREA" MEANS THE PART OF A COUNTY
25 BUILDING WHERE SMOKING IS PERMITTED BY DESIGNATION OF THE
26 DIRECTOR.

27 D. "DIRECTOR" MEANS THE DIRECTOR OF ADMINISTRATION.

28 E. "SMOKING" MEANS THE ACT OF SMOKING OR CARRYING A BURNING
29 CIGAR, CIGARETTE, PIPE, OR TOBACCO PRODUCT OF ANY KIND.

30 F. "SOCIAL FUNCTION" MEANS A SPECIFIC SOCIAL OR
31 RECREATIONAL EVENT FOR WHICH AN ENTIRE ROOM OR HALL IS RESERVED.

32 SECTION 149-9. EXEMPTIONS.

1 THIS - ARTICLE - DOES - NOT - APPLY - TO - ANY - PART - OF - A - COUNTY - BUILDING
2 OCCUPIED - BY - A - PRIVATE - BUSINESS - OR - PRIVATE - INDIVIDUAL - BUSINESS;
3 PRIVATE - INDIVIDUAL, - OR - THE - CIRCUIT - COURT - FOR - HARFORD - COUNTY -

4 A. THIS ARTICLE DOES NOT APPLY TO:

5 (1) THE HARFORD COUNTY DETENTION CENTER; OR

6 (2) THAT PART OF A COUNTY BUILDING OCCUPIED BY A
7 PRIVATE BUSINESS OR THE CIRCUIT COURT FOR HARFORD COUNTY.

8 B. NOTWITHSTANDING SUBSECTION A. OF THIS SECTION, THIS
9 ARTICLE APPLIES TO ANY PART OF A COUNTY BUILDING OCCUPIED BY THE
10 CLERK OF THE CIRCUIT COURT OR THE CLERK'S EMPLOYEES.

11 SECTION 149-10. SMOKING AND SALE OF TOBACCO PRODUCTS IN COUNTY
12 BUILDINGS PROHIBITED.

13 A. EXCEPT AS PROVIDED IN §§ 149-9 AND 149-11 OF THIS
14 ARTICLE, SMOKING IN A COUNTY BUILDING IS PROHIBITED.

15 B. THE SALE OF CIGARS, CIGARETTES, OR TOBACCO PRODUCTS OF
16 ANY KIND IN A COUNTY BUILDING IS PROHIBITED.

17 SECTION 149-11. EXCEPTIONS.

18 SMOKING IN A COUNTY BUILDING IS PERMITTED:

19 A. IN DESIGNATED SMOKING AREAS;

20 B. AT SOCIAL FUNCTIONS; AND

21 C. ~~WITH - THE - CONSENT - OF - ANY - NON - SMOKING - OCCUPANT~~ IN FULLY
22 ENCLOSED OFFICES OCCUPIED BY NOT MORE THAN TWO - PERSONS ONE
23 PERSON.

24 SECTION 149-12. DESIGNATED SMOKING AREAS.

25 A. THE DIRECTOR, OR THE DIRECTOR'S DESIGNEE, SHALL ADOPT
26 PROCEDURES FOR ESTABLISHING DESIGNATED SMOKING AREAS IN COUNTY
27 BUILDINGS.

28 B. DESIGNATED SMOKING AREAS MAY NOT BE ESTABLISHED IN:

29 (1) CONFERENCE ROOMS;

30 (2) MEETING ROOMS;

31 (3) REST ROOMS;

32 ~~(3)~~ (4) OFFICES OCCUPIED BY MORE THAN TWO - PERSONS ONE

PERSON; OR

(4)(5) AREAS WHERE SMOKING IS PROHIBITED BY THE STATE
FIRE MARSHAL.

C. -- DESIGNATED - SMOKING - AREAS - MAY - BE - ESTABLISHED - IN - REST
ROOMS. --- HOWEVER, --- IN --- EACH --- COUNTY --- BUILDING --- SMOKING --- SHALL --- BE
PROHIBITED IN AT LEAST ONE REST ROOM FOR MALES AND ONE REST ROOM
FOR FEMALES.

SECTION 149-13. POSTING OF SIGNS.

A. THE DIRECTOR, OR THE DIRECTOR'S DESIGNEE, SHALL POST A
SIGN DISPLAYING THE WORDS "SMOKING PROHIBITED BY LAW, EXCEPT IN
DESIGNATED SMOKING AREAS", OR SIMILAR WORDS, AT EACH COUNTY
BUILDING ENTRANCE.

B. THE DIRECTOR, OR THE DIRECTOR'S DESIGNEE, SHALL POST A
SIGN DISPLAYING THE WORDS "SMOKING PERMITTED", OR SIMILAR WORDS,
AT EACH DESIGNATED SMOKING AREA IN A COUNTY BUILDING.

SECTION 149-14. VIOLATIONS AND PENALTIES.

A. A PERSON WHO VIOLATES § 149-10 OF THIS ARTICLE IS GUILTY
OF A CIVIL VIOLATION.

B. THERE IS NO FINE FOR CONVICTION OF A FIRST VIOLATION.

C. UPON CONVICTION OF A SUBSEQUENT VIOLATION, A PERSON IS
SUBJECT TO A FINE OF UP TO \$25.

SECTION 149-15. ENFORCEMENT.

A. WHEN A COUNTY LAW ENFORCEMENT OFFICER OBSERVES A
VIOLATION OF § 149-10 OF THIS ARTICLE, THE OFFICER SHALL DELIVER
A SUMMONS TO THE VIOLATOR.

B. A PERSON WHO RECEIVES A SUMMONS UNDER THIS SECTION MAY:

(1) OBTAIN A COURT HEARING BY MAKING A WRITTEN REQUEST
FOR A HEARING TO THE CLERK OF THE COURT AT LEAST SEVEN (7)
CALENDAR DAYS BEFORE THE DUE DATE LISTED ON THE SUMMONS FOR
PAYMENT OF THE FINE; OR

(2) WAIVE THE RIGHT TO A COURT HEARING BY PAYING A
FINE TO THE COUNTY TREASURER IN THE AMOUNT REQUIRED BY SUBSECTION

1 D OF THIS SECTION.

2 C. (1) A REQUEST FOR A COURT HEARING MAY ALSO INCLUDE A
3 REQUEST THAT THE OFFICER WHO ISSUED THE SUMMONS BE PRESENT AT THE
4 HEARING.

5 (2) IF THE HEARING REQUEST DOES NOT INCLUDE A REQUEST
6 THAT THE OFFICER BE PRESENT AT THE HEARING:

7 (a) THE OFFICER NEED NOT ATTEND THE HEARING; AND

8 (b) THE OFFICER'S COPY OF THE SUMMONS SHALL BE
9 PRIMA FACIE EVIDENCE OF THE FACTS STATED IN THE SUMMONS.

10 D. WHEN A PERSON WAIVES THE RIGHT TO A COURT HEARING:

11 (1) THERE IS NO FINE FOR A FIRST VIOLATION; AND

12 (2) THE FINE FOR A SUBSEQUENT VIOLATION IS \$10.

13 E. A SUMMONS ISSUED UNDER SUBSECTION A OF THIS SECTION
14 SHALL CONTAIN:

15 (1) A CERTIFICATION BY THE OFFICER UNDER PENALTY OF
16 PERJURY THAT THE FACTS STATED IN THE SUMMONS ARE TRUE;

17 (2) THE AMOUNT OF THE FINE, IF ANY, FOR THE VIOLATION;

18 (3) A DATE, AT LEAST FIFTEEN (15) CALENDAR DAYS FROM
19 THE DATE OF THE VIOLATION, BY WHICH THE FINE MUST BE PAID; AND

20 (4) A NOTICE THAT THE VIOLATOR MAY OBTAIN A COURT
21 HEARING BY MAKING A WRITTEN REQUEST TO THE CLERK OF THE COURT AT
22 LEAST SEVEN (7) DAYS BEFORE THE DATE BY WHICH THE FINE MUST BE
23 PAID.

24 SECTION 149-16. COUNTY AGENCIES.

25 THIS ARTICLE DOES NOT PROHIBIT A COUNTY AGENCY FROM ADOPTING A
26 SMOKING POLICY THAT IS MORE STRINGENT THAN THE PROVISIONS OF THIS
27 ARTICLE. ADOPTION OF A MORE STRINGENT POLICY IS SUBJECT TO
28 APPROVAL BY THE DIRECTOR.

29 Section 2. And Be It Further Enacted that this act shall take
30 effect sixty (60) calendar days from the date it becomes law.

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BY THE COUNCIL

AS AMENDED

BILL NO. 88-8 (as amended)

Read the third time.

Passed LSD 88-11 (April 12, 1988) (with amendments)

Failed of Passage _____

By Order

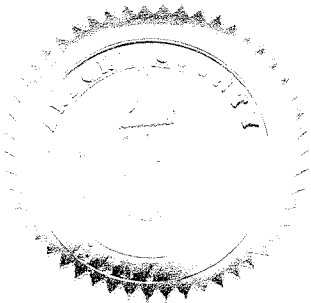
Doris Poulsen, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 13th day of April, 1988
at 3:00 o'clock P.M.

Doris Poulsen, Secretary

BY THE EXECUTIVE

APPROVED:



County Executive

Date _____

BY THE COUNCIL

This Bill, having received neither the approval nor the
disapproval of the Executive within twenty-one (21) days of its
presentation, becomes law on May 3, 1988.

Doris Poulsen, Secretary

EFFECTIVE: July 5, 1988

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